

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BEN E. KNOX,

Plaintiff,

v.

MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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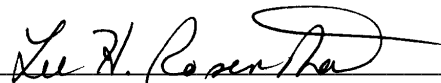
CIVIL ACTION NO. H-08-2021

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION AND REMANDING**

This court has reviewed the Memorandum and Recommendation of the United States Magistrate Judge signed on September 14, 2009 and has made a *de novo* determination of the Magistrate Judge's recommended disposition. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). No objections have been filed. This court finds that the Memorandum and Recommendation should be, and is, adopted as this court's Memorandum and Order. This court finds that remand is required for the Administrative Law Judge further to develop the issue of the plaintiff's mental impairments. This court grants the plaintiff's motion for summary judgment and denies the defendant's motion to the extent of requiring a remand.

This case is remanded to the Social Security Commission for further proceedings consistent with the Memorandum and Recommendation of the Magistrate Judge, adopted as the Memorandum and Opinion of this court.

SIGNED on September 29, 2009, at Houston, Texas.



Lee H. Rosenthal
United States District Judge